

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BEFORE: THE HONORABLE ROBERT P. PATTERSON, JR., JUDGE

COACH SERVICES, INC.,

Plaintiff,

v.

VANI U.S.A. INC., LA VANI INC.,
GUANGZHOU HUANI CO. LTD. and
GUANGZHOU WEINI LEATHER CO. LTD.,

Defendants.

Civil Action

Court No. 07-CIV-8354

ANSWER

Defendants, Vani U.S.A. Inc., LA Vani Inc., Guangzhou Huani Co. Ltd. and Guangzhou Weini Leather Co., Ltd. ("collectively Guangzhou") by and through their attorneys and based upon information and belief, herein file their Answer and Affirmative Defenses in response to Plaintiff's Complaint, in the correspondingly numbered paragraphs below.

NATURE OF THE ACTION

1. Deny the allegations contained in paragraph 1 of the Complaint as these allegations purport only to characterize the legal nature of this action and do not contain factual assertions to which a response is required.
2. Deny knowledge or information sufficient to form a belief as to the truth of these allegations.
3. Admit.
4. Admit that LA Vani is a California Corporation with places of business in Los Angeles and City of Commerce, CA; otherwise deny.

5. Admit that Guangzhou Huani Co. Ltd. ("Huani") is a corporation of the People's Republic of China with its principal place of business in Guangzhou, China; otherwise deny.
6. Admit that Guangzhou Weini Leather Co. Ltd. ("Weini") is a corporation of the People's Republic of China with its principal place of business in Guangzhou, China; otherwise deny.
7. Admit that Vani USA Inc and LA Vani share a website address; otherwise deny the allegation.

JURISDICTION AND VENUE

8. Deny knowledge or information sufficient to form a belief as to the truth of these allegations and refers all conclusions of law to the court for resolution. Admits that plaintiff seeks more than \$150,000 in damages, but deny any inference of the validity thereof.
9. Deny knowledge or information sufficient to form a belief as to the truth of these allegations and refers all conclusions of law to the court for resolution.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.
11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.
12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

17. Deny knowledge or information sufficient to form a belief as to the truth of the allegations.

Defendant's Activities

18. Deny.

19. Deny.

20. Deny.

21. Admit that Huani applied to register a trademark of the letter "c" and that a preliminary refusal to register was issued; otherwise deny the allegation.

22. Admit that goods consigned to Vani and LA Vani were detained by the U.S. Customs Service; deny remainder of allegation.

23. Deny.

24. Deny.

FIRST CLAIM FOR RELIEF

Federal Trademark Infringement, 15 U.S.C. § 1114(1)

25. Repeats and realleges the responses previously interposed to the allegations contained in paragraphs 1 through 24 as if fully set forth herein.

26. Deny.

27. Deny.

SECOND CLAIM FOR RELIEF

Violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)

28. Repeats and realleges the responses previously interposed to the allegations contained in paragraphs 1 through 27 as if fully set forth herein.

29. Deny.

30. Deny.

31. Deny.

THIRD CLAIM FOR RELIEF

Violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)

32. Repeats and realleges the responses previously interposed to the allegations contained in paragraphs 1 through 31 as if fully set forth herein.

33. Deny.

34. Deny.

35. Deny.

FOURTH CLAIM FOR RELIEF

Violation of New York Statutory Law

36. Repeats and realleges the responses previously interposed to the allegations contained in paragraphs 1 through 35 as if fully set forth herein.

37. Deny.

38. Deny.

FIFTH CLAIM FOR RELIEF

Unfair Competition and Trademark Infringement Under New York Common Law

39. Repeats and realleges the responses previously interposed to the allegations contained in paragraphs 1 through 38 as if fully set forth herein.

40. Deny.

41. Deny.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

There is no Basis For the Court to Exercise Personal Jurisdiction over LA Vani Inc.

42. This court lacks personal jurisdiction over LA Vani Inc.

SECOND DEFENSE

There is no Basis For the Court to Exercise Personal Jurisdiction over Chinese Defendants
Guangzhou

43. This court lacks personal jurisdiction over Defendants Guangzhou.

THIRD DEFENSE

Service on the Chinese Defendants was Not Made

44. No service of process was made on Defendants Guangzhou.

WHEREFORE, answering Defendants respectfully that the Court:

Dismiss the Complaint as to Defendants LA Vani Inc. for Lack of Personal Jurisdiction and Defendants Guangzhou for Lack of Personal Jurisdiction and Service of Process.

GRUNFELD, DESIDERIO, LEBOWITZ,
SILVERMAN & KLESTADT LLP

s/ Frances P. Hadfield (FH-5446)
Max F. Schutzman (MS-9148)
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New York, New York 10022-4877
Telephone: 212-557-4000
ATTORNEYS FOR DEFENDANTS

Dated: New York, New York
October 16, 2007

Electronically Filed

CERTIFICATE OF SERVICE

I hereby certify that I am over 18 years of age and that on October 16, 2007, I served a true and accurate copy of the annexed papers upon Plaintiff via U.S. mail in a securely enclosed envelope with sufficient postage affixed thereto, properly addressed to:

Cooper & Dunham LLP
Attn: Norman H. Zivin
1185 Avenue of the Americas
New York, New York 10036

Attorney for Plaintiff

Respectfully Submitted,

s/ Frances P. Hadfield (FH-5446)

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